Post 5-16-72

Mr. Kleindienst's Fitness

In the midst of the blizzard of news about Deputy Attorney General Kleindienst's involvement in the ITT and San Diego tax scandals, a perhaps even more damaging incident seems to have been largely ignored. I refer to Mr. Kleindienst's testimony in United States v. Carson tried this past November in the Federal District Court in Manhattan and reported in November 17's New York Times. Carson, who was a close political associate of Mr. Kleindienst as well as administrative assistant to Hawaii's Republican Senator Hiram Fong, was convicted of attempting to bribe Mr. Kleindienst.

According to the sworn testimony of the Deputy Attorney General, he was offered a bribe by Carson. At the trial Mr. Kleindienst testified that:

> "He (Carson) had a friend in New York who was in trouble (under indictment) and if I (Kleindienst) could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 and 100 thousand dollars to the reelection of President Nixon."

Rather than throwing Carson out of his office or reporting this bribe attempt, Mr. Kleindienst proceeds as if nothing out of the ordinary had happened, to discuss with Carson a judicial appointment to the 9th Circuit Court of Appeals. Indeed, Mr. Kleindienst did not report the attempted bribe until one week later and only after learning that the FBI was investigating Carson and planned to put Carson under electronic surveillance (in which event his concealment of the bribe attempt might have become public). Mr. Kleindienst's lame explanation of his silence was that he did not realize the offer was a bribe until learning of the government investigation.

Viewed in the light most favorable to Mr. Kleindienst this testimony indicates (1) that Carson thought his long-time political associate would be amenable to a bribe and (2) that Mr. Kleindienst can't recognize a bribe when he sees one. The only other possible interpretation of these events is that Mr. Kleindienst deliberately chose to conceal the bribe offer. Even if Mr. Kleindienst is taken at his word, however, he clearly is unsuited to be our country's first lawyer.

We believe that an objective examination of the record in this case makes clear that Mr. Kleindienst is not fit to be Attorney General. The official transcript in U.S. v. Carson is to be found at the Office of the Clerk of the U.S. District Court for the Southern District of New York.

EUGENE H. ZAGAT, JR.
GEORGE A. DAVIDSON.

New York.